

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JONATHAN JONG-LA VUE,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

Case No. 1:20-cv-01302-SAB

ORDER REQUIRING DEFENDANT TO
SHOW CAUSE WHY THIS ACTION
SHOULD NOT BE DEEMED UNOPPOSED

FIVE-DAY DEADLINE

Plaintiff Jonathan Jong-La Vue filed this action seeking judicial review of the denial of benefits by the Commissioner of Social Security on September 11, 2020. (ECF No. 1.) On September 14, 2020, the scheduling order issued. (ECF No. 5.) Pursuant to the scheduling order, the Commissioner's responsive brief was to be filed within thirty (30) days after service of Plaintiff's opening brief. (Id. at ¶ 7.)

Plaintiff filed an opening brief on June 16, 2021. (ECF No. 16.) Defendant's responsive brief was due within thirty days, a deadline that expired on Friday, July 16, 2021. Defendant filed an opposition on Monday, July 19, 2021. Given the weekend, the opposition was only filed one court day late, however, Defendant filed no request to extend the deadline nor does it appear to have otherwise addressed the deficiency in the filed opposition.

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1 Accordingly, IT IS HEREBY ORDERED that, within five (5) days from the date of
2 service of this order, Defendant shall show cause in writing why Plaintiff's opening brief should
3 not be deemed unopposed for the failure to file an opposition by the deadline to do so.

4
5 IT IS SO ORDERED.

6 Dated: July 20, 2021


UNITED STATES MAGISTRATE JUDGE